

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
 ) 4:01CR3063  
 Plaintiff, )  
 )  
 v. )  
 )  
 LAMONT O. SMITH, ) **MEMORANDUM**  
 ) **AND ORDER**  
 )  
 Defendant. )

The defendant has filed or tendered for filing a motion that I construe as seeking a reduction of sentence pursuant to the retroactive amendments to the "crack" Guidelines. The Court has developed procedures to deal with such a motion. Therefore,

1. The Clerk shall file the motion tendered by the defendant and it shall be treated as a motion for an order modifying sentence pursuant to 18 U.S.C. § 3582(c)(2). Pursuant to the Court's General Order 2008-02, the Federal Public Defender is herewith appointed to represent the defendant. The Clerk's office shall provide the defendant with a copy of this order
2. No later than May 2, 2008, the probation office shall provide the undersigned *and* counsel of record with a "Retroactive Sentencing Worksheet." If the officer requires additional time, a request may be made to the undersigned by e-mail. The Clerk's office shall provide the Probation Office with a copy of this order.
3. No later than May 16, 2008, counsel of record shall confer and do one of the following:

- A. File a stipulation containing the following provisions: (i) an agreement that the defendant is eligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10; (ii) an agreement that the defendant may be resentenced without being present and without further notice and (iii) an agreement regarding the recommended sentence.
- B. In lieu of the stipulation provided in paragraph A, counsel for the government shall contact my judicial assistant and arrange a telephone conference with the undersigned and counsel for the defendant so that further progression of this case may be scheduled.

March 18, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge